

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAUTISTA, et al.,

No. C 09-0596 WDB

Plaintiffs,

ORDER RE REQUIREMENTS FOR
MAGISTRATE JUDGE TO HAVE
AUTHORITY TO RULE ON A
REQUEST FOR A TRO

v.

WASHINGTON MUTUAL, et al.,

Defendants.

I am a Magistrate Judge, and this case was assigned to me on February 10, 2009. I write this Order to provide the Pro Se Plaintiff some information about the scope of authority of a Magistrate Judge over civil cases (like this one).

By law, a Magistrate Judge must have the consent of all the parties involved in the assigned case in order to have authority to rule upon substantive issues, such as the issues raised here by the Plaintiff's request for a TRO (Temporary Restraining Order). Parties may consent or decline to consent to give a Magistrate Judge authority over their case; if any party declines, the case will be reassigned to a District Judge.

Here, the Defendants apparently have not been served and therefore have not had an opportunity to consider whether they wish to consent or whether they wish to decline to consent to the authority of a Magistrate Judge. Therefore, as Magistrate Judge, I do not presently have authority to rule on the request for a TRO.

I would have such authority only if Plaintiff consents to give me power over the substance of this litigation, then serves all Defendants with the complaint and the request for the TRO, and then all Defendants consent to give me power over the substance of this case.

We attach a form that Plaintiff should use to indicate whether he consents to me having full authority over this case or does not so consent. If Plaintiff declines to consent, as is his full right, the Court's computers will re-assign his case to a District Judge. If Plaintiff consents to me having authority over his case, he should serve all Defendants

1 promptly, providing them simultaneously with a copy of this same form so that they can
2 indicate whether they also consent or whether they would prefer to have this case re-assigned
3 to a District Judge.

4 IT IS SO ORDERED.

5 Dated: February 12, 2009

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8 WAYNE D. BRAZIL
9 United States Magistrate Judge
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